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09/966,004	09/28/2001	Arnold Jeffery Daks	AUS9-2001-0767-US1	4835

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EXAMINER

KISS, ERIC B

ART UNIT	PAPER NUMBER
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2192

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/966,004

Applicant(s)

DAKS ET AL.

Examiner

Eric B. Kiss

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 22-27 and 31-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 22-27 and 31-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. The reply filed July 28, 2007, has been received and entered. Claims 1-14, 22-27, and 31-41 are pending.

Response to Amendment

2. The rejection of claims 1-21 and 31 under 35 U.S.C. § 112, second paragraph, is withdrawn in view of applicant's amendments.

Response to Arguments

3. Applicant's arguments filed July 28, 2007, have been fully considered but they are not persuasive.

Regarding applicant's complaint about the volume of pages in the *Project* reference (Remarks 12), the examiner submits that everything disclosed in the *Project* reference pertains to features found in a single software product, namely the Microsoft® Project 98 software product. Thus, the elements of the *Project* reference relied upon were not combined based on applicant's own teachings through impermissible hindsight as applicant alleges (*Id.*) but were instead already combined (by Microsoft Corporation) prior to applicant's filing date. Applicant's admission that, "there are probably enough tools and routines disclosed in the cited over 600 page Project text through the use of which the system of the invention could be built," (*Id.*) is itself an apparent concession that the claimed invention would have been obvious in view of the Microsoft Project 98 software product described in the *Project* reference.

Project discloses entering and displaying milestones (e.g., in a Gantt chart (see, e.g., page 661, "The Gantt Chart" & page 662, Figure 20.2 & page 140, "Entering Milestones" & page 19, fifth paragraph)). As noted in the previous Office action, these milestones mark the completion

of particular tasks included in a project and thus, serve as checkpoints in developmental lines, wherein milestones, or interim goals, which mark the completion of a particular task included in a project. Milestones serve as check points by which a project can be gauged. The Gantt chart is a means to track the project, including its individual tasks.

The additional cited teachings of *Project* (pp. 125-126) show that it has been known to break up large projects into separate phases of functional groups, which form tasks that are individually managed as part of overall project management (the Work Breakdown Structure traditionally used by project managers). These separate tasks and associated resources may be considered developmental lines. On p. 565, *Project* further discloses managing projects involving many planners and many resources who do the work of the project.

Project further describes simultaneous display of multiple tasks in the Gantt chart and displaying multiple milestones (see, e.g., p. 140 (describing display of milestones) and pp. 661-662 (the Gantt chart as a display of multiple tasks)).

Project further describes several ways to simultaneously view and edit task information. For example, p. 154 shows a Task Details view in a split-window display along with the Gantt chart. Further, on p. 156, *Project* discloses that changes made in one view are automatically reflected in all other views (explicitly referencing both the Gantt Chart view and the Task Entry view). The individual tasks displayed in the multiple views of *Project* may be assigned to selected resources, and the resource assignment may be later changed, which further affects the display of task information (as described, for example, on p. 312 in the description of the Task Usage view), thus switching actions from one developmental line to another (reassigning resources) in the simultaneous display of a plurality of developmental lines.

Project further describes Internet features which enable project managers to manage a project with resources located almost anywhere in the world (*Project* p. 565), thus providing remote tracking and communication to the project manager (and the Project display).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 32-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 36 recites the limitation "The computer program of claim 24" in line 1. There is insufficient antecedent basis for this limitation in the claim. In the interest of compact prosecution, claim 36 is subsequently interpreted as being dependent from claim 34 (which is consistent with other claim groupings and provides the requisite antecedent basis) for the purpose of further examination.

Independent claims 32 and 39 each recite, "A computer program comprising a computer useable medium having a computer readable program". It is unclear how a computer program (*i.e.*, a functional description of computer-implemented processes) can itself comprise a computer usable medium (*i.e.*, a physical component). In the interest of compact prosecution, claims 32 and 39 are subsequently interpreted as "A computer readable médium storing a computer readable program . . . ," for the purpose of further examination.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims **1-6, 8-13, 22-27, 32-37, and 39-41** are rejected under 35 U.S.C. 103(a) as being unpatentable over “Using Microsoft Project 2000” (hereinafter **Project**) in view of Song et al., US5,949,999 (hereinafter **Song**).

In regard to claim **1**, **Project** discloses:

- *“A computer controlled display system for tracking the development of ... products...”* (E.g., see pages 565-566, “Using Microsoft project in workgroups” & Figure 18.1), wherein an example software development product having a plurality of developmental lines (components being developed) is illustrated.
- *“...means for setting in each of said plurality of developmental lines, a sequence of checkpoints...”* (E.g., see page 661, “The Gantt Chart” & page 662, Figure 20.2 & page 140, “Entering Milestones” & page 19, fifth paragraph), wherein milestones, or interim goals, which mark the completion of a particular tasks included in a project. Milestones serve as check points by which a project can be gauged. The gantt chart is a means to track the project.

- "...means for tracking each of said developmental lines to determine the reached checkpoints; and means for simultaneously displaying said plurality of developmental lines and indicating said reached checkpoints." (E.g., see Figure 15.14 + 15.15 & pages 488-489), wherein progress bars and/or progress marks indicate tasks that have been started, the percent complete and/or started or complete to track the reality of the project, wherein the plurality of tasks (development lines) are displayed simultaneously.

But **Project** does not expressly disclose "...complex software products... having a plurality of developmental lines.". However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use Microsoft Project for complex software projects comprising a plurality of developmental lines. The motivation to do so was provided by **Project's** teaching (E.g., see Figure 5.1 & pages 125-126), wherein organizing a project activity or task list into phases is disclosed.

However, **Song** teaches ((E.g., see Figure 3 & Column 3, lines 57-58), wherein a user defines procedures (checkpoints) to be performed during the project execution, wherein the particular system component would correspond to a respective developmental line as illustrated in Figure 3. As shown in Figure 2 and Figure 3, Song lists or displays a plurality of components or developmental lines (Patient and File Functions, Measurement, Imaging, Filming, System Functions, General Servers and Tools, etc...). **Project** and **Song** are analogous art because they are both concerned with the same field of endeavor, namely, managing/tracking the development of a software product. Therefore, it would have been obvious to one of ordinary skill in the art, to use Microsoft Project to develop a software product with a plurality of developmental lines.

In regard to claim 2, the rejections of base claim 1 are incorporated. Furthermore,

Project discloses:

- "...means for modifying said developmental lines and said checkpoints; and means for displaying said modifications ..." (E.g., see pages 484-489, "Viewing the tracking Gantt chart", particularly page 486, "Tracking Actual Performance and Costs"), wherein revising the progress line duration and changing task relationships are disclosed.

In regard to claim 3, the rejections of base claim 3 are incorporated. Furthermore,

Project discloses:

- "...displaying at each of said checkpoints, a set of developmental attributes for said checkpoint." (E.g., see pages 154-156, "Using the Task Details View" & Figure 5.32), wherein each milestone which is a task, can display a list of details associated with the task including subtasks, predecessor tasks and successor tasks as illustrated in the sequence of development by the task timeline.

In regard to claim 4, the rejections of base claim 3 are incorporated. Furthermore,

Project discloses:

- "...means for modifying said developmental attributes for each of said checkpoints; and means for displaying said modifications at each of said checkpoints." (E.g., see page 156, "Inserting, Clearing, and Deleting Tasks"), wherein a subtask, predecessor or successor task may be entered or deleted.

In regard to claim 5, the rejections of base claim 3 are incorporated. Furthermore,

Project discloses:

- "...said developmental attributes include actions performed in said software product development." (E.g., see pages 154-156, "Using the Task Details View" & Figure 5.32), wherein subtasks, predecessor tasks and successor tasks actions performed in said product development.

In regard to claim 6, the rejections of base claim 2 are incorporated. Furthermore, **Project** discloses modifying or switching actions among tasks (e.g., see page 156, "Editing the Task List") wherein, editing or rearranging the task list is disclosed. Furthermore, **Project** teaches resolving resource allocation (e.g., see page 473, "Tracking work on the project") wherein the resources may be people (see pages 311-312, "Assigning resources to Tasks"). Thus, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to reallocate resources (add activities or tasks to a developers project) to find ways to reduce costs (e.g., see page 486, "Tracking Actual Performance and Costs") during development of software.

In regard to claim 22, **Project** discloses the limitations as addressed in regard to claim 1 above. But, **Project** does not expressly disclose "...a functional implementation stage to a complete integrated program product...": However, **Song** discloses:

- "A computer controlled display system for tracking the building of a program product from a functional implementation stage to a complete integrated program product..." (E.g., see Figure 3 & Column 1, lines 37-41), wherein a display which guides tracking of software development documents or

products having a plurality of developmental lines is disclosed. Furthermore,

Figure 3 illustrates the status of Implementation and Integration phases.

As per claims **8-13** and **25**, this is a method version of the claimed system discussed above, in claims **1-6** and **22**, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see **Song** (Column 7, lines 31-33), wherein a method of the above system is disclosed.

In regard to claim **23**, the rejections of base claim **22** are incorporated. But **Project** does not expressly disclose “*related to the compatibility functions of said checkpoint line*”. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to include attributes that are related to the compatibility functions of said checkpoint line. The motivation to do so was suggested by **Song** (E.g. see, Figure 3 & Column 1, lines 37-45), wherein **Song** discloses “*the present invention is a mechanism that integrates software engineering and system components to guide the browsing/tracking of software development documents (e.g., ...testing) ...this capability is useful...for developing and validating safety-critical software systems*”. It would have been obvious, to one of ordinary skill, at the time the invention was made, to include compatibility functions in the testing. Furthermore, **Song** discloses, “testing” in Figure 3. Therefore, it would have been obvious to include attributes “*related to the compatibility functions of said checkpoint line*. See claim **3** for the remaining limitations.

In regard to claim **24**, see the rejections of base claim **22** and **3**.

As per claims **26** and **27**, this is a method version of the claimed system discussed above, in claims **6** and **23**, wherein all claimed limitations have also been addressed and/or cited as set

forth above. For example, see **Song** (Column 7, lines 31-33), wherein a method of the above system is disclosed.

As per claims **32-37** and **39-41**, this is a computer program version of the claimed system discussed above, in claims **1-6** and **22-24**, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see **Song** (Figure 4 & Column 5, lines 51-52), wherein loading the project file into program memory for use is disclosed.

8. Claims **7, 14, 31, and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Project** in view of **Song** and further in view of Hopwood et al., US 6,223,343 B1 (hereinafter **Hopwood**).

In regard to claim **7**, the rejections of base claim **2** are incorporated. But **Project** does not expressly disclose, “*said means for tracking are remote from said means for displaying*”.

However, **Hopwood** discloses:

- “...*means for storing, in association with said means for displaying, the data tracked by said means for tracking; and means for communicating the data tracked to said means for storing.*” (E.g., see Figure 6 (element 100, 106) & Column 15, lines 42-46), wherein the document repository (store) stores the data tracked in association with displaying, wherein the data is retrieved from the document repository.
- “...*said means for tracking are remote from said means for displaying...*” (E.g., see Figure 6 & Column 15, lines 22-31), wherein the RMS (means for tracking) is remote from the means for displaying.

Project, Song and **Hopwood** are analogous art because they are both concerned with the same field of endeavor, namely, managing/tracking the development of a software product. Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine **Hopwoods'** remote means for tracking with **Projects'** software tracking system. The motivation was provided by **Song** in developing a tracking mechanism "for any organization that produces safety-critical software system". Therefore, it would be obvious, to one of ordinary skill in the art, to access the system remotely as many organizations have developers and managers in remote locations. Thus it would have been obvious to combine **Hopwoods'** remote means for tracking with **Songs'** software tracking system.

As per claim **14**, this is a method version of the claimed system discussed above, in claim **7**, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see **Song** (Column 7, lines 31-33), wherein a method of the above system is disclosed.

As per claim **38**, this is a computer program version of the claimed system discussed above, in claim **7**, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see **Project** (Figure 4 & Column 5, lines 51-52), wherein loading the project file into program memory for use is disclosed.

As per claim **31**, this is a method version of the claimed method discussed above, in claims **8-14**, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see **Song** (Column 7, lines 31-33), wherein a method of the above system is disclosed.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Any inquiry of a general nature should be directed to the TC 2100 Group receptionist:
571-272-2100.



Eric B. Kiss
Primary Patent Examiner
January 3, 2008